

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Edward A. Mesik,

Petitioner,

v.

Case No. 11-11216  
Honorable Sean F. Cox

Cindi S. Curtin,

Respondent.

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**ORDER**

**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION,  
DENYING APPLICATION FOR WRIT OF HABEAS CORPUS, AND  
DECLINING TO ISSUE CERTIFICATE OF APPEALABILITY**

Petitioner Edward A. Mesik, proceeding *pro se*, filed an application for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254.

The matter was referred to Magistrate Judge Paul J. Komives for a Report and Recommendation pursuant to § 636(b)(1).

On November 30, 2012, Magistrate Judge Komives issued his Report and Recommendation (“R&R”) wherein he recommends that this Court deny Petitioner’s application for a writ of habeas corpus and decline to issue a certificate of appealability. (Docket Entry No. 12 at 2).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The R&R expressly advised Petitioner that any

objections to the R&R had to be filed within fourteen (14) days of service of a copy of the R&R. (R&R at 31).

“The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” FED. R. CIV. P. 72(b),

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed any objections to the R&R.

The Court hereby ADOPTS the November 30, 2012 R&R. IT IS ORDERED that Petitioner’s application for a writ of habeas corpus is DENIED.

IT IS FURTHER ORDERED that this Court DECLINES TO ISSUE A CERTIFICATE OF APPEALABILITY.

IT IS SO ORDERED.

Dated: January 7, 2013

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on January 7, 2013, the foregoing document was served upon counsel of record by electronic means and upon Edward A. Mesik by First Class Mail at the address below:

Edward Mesick  
648829  
Oaks Correctional Facility  
1500 Caberfae Highway  
Manistee, MI 49660

Dated: January 7, 2013

S/ J. McCoy  
Case Manager